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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HOWARD CHARATZ, Individually)	No. 3:05-cv-02319-MLC-TJB
and On Behalf of All Others Similarly)	(Consolidated)
Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	DECLARATION OF ROBERT O.
vs.)	BETTS, JR. IN SUPPORT OF LEAD
)	PLAINTIFFS' MOTION FOR CLASS
AVAYA, INC., et al.,)	CERTIFICATION
)	
Defendants.)	

I, ROBERT O. BETTS, JR., declare as follows:

1. I respectfully submit this declaration in support of Lead Plaintiffs' Motion for Class Certification. I have personal knowledge of the statements herein and, if called upon as a witness, could and would competently testify thereto.

2. I am the Executive Director of National Elevator Industry Pension Fund (the "Fund"). The Fund has approximately 42,000 participants and beneficiaries. The Fund's Defined Benefit Plan assets, as of October 2009, were in excess of \$3.6 billion. The Fund's Defined Contribution Plan assets, as of October 2009, were in excess of \$350 million. The Fund purchased a total of 4,900 shares of Avaya, Inc. ("Avaya") stock between March 2, 2005 and April 19, 2005. The Fund sold a total of 263,520 shares of Avaya stock between March 2, 2005 and April 19, 2005. The Fund's transactions in Avaya stock that are the subject of this litigation are set forth in the document attached hereto as Exhibit A. As the Executive Director, I have been authorized to seek appointment as class representative in this action on behalf of the Fund.

3. I assumed the duties of Executive Director in July 2009. As Executive Director, my duties include overseeing administrative operations of the Fund, such as preparing monthly payrolls, resolving disputes with active employees, retirees and their beneficiaries, and processing contributions from contributing employers, as well as meeting with current and potential investment managers and discussing their products.

4. The Fund is a Taft-Hartley multi-employer pension fund. Its Board of Trustees is composed of four union representatives and four employer representatives who serve without compensation. There is equal representation by the union and employer trustees. The Fund provides pension benefits to retirees and beneficiaries of the International Union of Elevator Constructors. The Fund has been in existence since 1962.

5. The Fund understands that the Private Securities Litigation Reform Act of 1995 was intended to encourage institutional investors and others with meaningful losses to seek to direct securities class actions. The Fund is a large, sophisticated institutional investor committed to vigorously prosecuting this litigation. The Fund intends to obtain the largest recovery for the class consistent with good faith and sound judgment.

6. On behalf of the Fund, I have reviewed and monitored the progress of this litigation and the active participation of Lead Counsel in its prosecution. For example, I received and reviewed periodic updates and other correspondence from Lead and/or Liaison Counsel, supervised Fund representatives who collected materials for discovery, reviewed pleadings and other documents in the case, including the Consolidated Complaint for Violations of the Federal Securities Laws, and participated in discussions with counsel regarding significant developments in the litigation.


7. The Fund is committed to continuing to actively direct this litigation and maximize the recovery for the class by attending hearings, depositions and/or trial and overseeing the preparation and filing of pleadings, as appropriate. Further, the Fund understands that it owes a fiduciary duty to all members of the proposed class to provide fair and adequate representation and intends to continue to work with Lead Counsel to obtain the largest recovery for the whole class consistent with good faith and meritorious advocacy.

8. The Fund intends to continue to provide fair and adequate representation by, among other things, directing the efforts of its selected counsel Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia").

9. The Fund selected Coughlin Stoia as its proposed Lead Counsel based on the firm's substantial experience and expertise in prosecuting securities class actions.

10. In addition, the Fund believes that Coughlin Stoia possesses the necessary financial and human resources to prosecute this case effectively.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of November 2009.



Robert O. Betts, Jr.
Executive Director

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